



U.S. Department of Justice

United States Attorney
Southern District of New York

The Silvio J. Mollo Building
One Saint Andrew's Plaza
New York, New York 10007

January 27, 2010

REQUEST TO BE FILED UNDER SEAL

BY HAND

The Honorable George B. Daniels
United States District Court
Southern District of New York
500 Pearl Street
New York, New York 10007

Re: Second Periodic Report Pursuant to January 7, 2010
Order Authorizing Interception of Wire
Communications Over Cellular Telephones

Dear Judge Daniels:

This periodic report is submitted pursuant to the Order signed by the Court on January 7, 2010 (the "January 7 Order") authorizing the interception of wire communications of MANUEL GEOVANNY RODRIGUEZ, a/k/a "Shorty," a/k/a "Manny," over one cellular telephone bearing assigned number 646-964-3580, International Mobile Subscriber Identification ("IMSI") 316010160550888, and Urban Fleet Mobile Identification ("UFMI") 176*745*7216 and subscribed in the name of "Prepaid Prepaid," at "PO Box 55026, Irvine, CA 92619," and with service provided by SPRINT/NEXTEL (the "TARGET CELLPHONE"), and any telephone numbers subsequently assigned to or accessed by or through the same IMSI or UFMI as the TARGET CELLPHONE, or assigned to the instrument bearing the same IMSI or UFMI as the TARGET CELLPHONE, as well as any IMSI subsequently assigned to the instrument bearing the same telephone number assigned to the TARGET CELLPHONE, and any other telephones accessed by instruments bearing that IMSI or UFMI. This report encompasses activity on the TARGET CELLPHONE from on or about January 18, 2010 through and including approximately on or about January 27, 2010.

Hon. George B. Daniels
January 27, 2010
Page 2

The January 7 Order constituted the first authorization to intercept wire communications over the TARGET CELLPHONE. Interception over the TARGET CELLPHONE pursuant to the Order began on or about January 7, 2010, and as of January 19, 2010, has continued in the form of a pen register.

Prior to commencement of interception over the TARGET CELLPHONE, at the time of the initial authorization, Assistant United States Attorney Daniel Chung spoke with several agents of Immigration and Customs Enforcement ("ICE") and translators responsible for interception of conversations over the TARGET CELLPHONE to provide them minimization instructions relating to interceptions of conversations over the TARGET CELLPHONE. In addition, written minimization instructions were posted in ICE's plant, and we have been advised that each agent and translator who has worked on intercepting calls over the TARGET CELLPHONE has signed an acknowledgment form to verify that he or she has read the minimization instructions.

Overview and Summary of TARGET CELLPHONE Calls

This letter covers activity occurring over TARGET CELLPHONE from on or about January 18, 2010, through and including on or about January 27, 2010 (the "Covered Period"). For the Court's information, based on information provided to me by ICE agents, I have prepared and set forth below a statistical summary of the activity over the TARGET CELLPHONE from January 18, 2010, until January 27, 2010, for telephone communications and Point-to-Point communications:

Hon. George B. Daniels
 January 27, 2010
 Page 3

TARGET CELLPHONE Phone Communications

Date	Total Intercepted Calls ¹	No. of Calls Flagged as Pertinent ²	Minimized Calls ³
1/18/2010- 1/27/2010	12	0	0

TARGET CELLPHONE Point-To-Point Communications

Date	Total Intercepted Calls	No. of Calls Flagged as Pertinent	Minimized Calls
1/18/2010- 1/27/2010	8	0	0

Although 20 calls were intercepted during the Covered Period, it appears that none of the TARGET SUBJECTS were actually using the TARGET CELLPHONE (the intercepted calls have been calls to, not from, the TARGET CELLPHONE). In light of the fact that no conversations were intercepted during the Covered Period, on or about January 19, 2010, ICE ceased monitoring communications occurring over the TARGET CELLPHONE. As of that date, agents began monitoring only the pen register on TARGET CELLPHONE, as authorized by the January 7 Order.

To continue to acquire information about individuals who may be calling TARGET CELLPHONE, ICE agents will continue monitoring the pen register on TARGET CELLPHONE for the remainder of the 30 day period authorized by the January 7 Order. If,

¹ The term "intercepted calls" includes, for purposes of this report, all incomplete calls (*i.e.*, unanswered calls, busy signals, mis-dialed calls, and instances where the caller simply takes the telephone off the hook and then hangs up without dialing), as well as completed calls, and it includes calls made at times when monitoring was not occurring, such as during certain portions of the night.

² This column identifies the number of interceptions that, from the content of the conversation, the agents have preliminarily designated as relevant to the ongoing investigation as authorized by the Court. Because these designations are preliminary, however, later investigation may cause the agents to change their interpretations as to whether ~~the calls are~~ relevant, and thus, the Government reserves the right to reconsider these designations at a later date.

³ "Minimized Calls" means actual conversations in which minimization occurred.

Hon. George B. Daniels

January 27, 2010

Page 4

however, new information and investigative leads reveal that the TARGET SUBJECTS have resumed using either of the TARGET CELLPHONE, agents may resume monitoring communications occurring over the TARGET CELLPHONE in accordance with the January 7 Order.

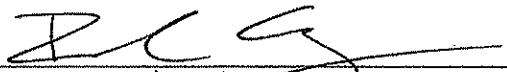
The Government respectfully requests that, with the exception of working copies for the Government, this letter be sealed, impounded and held in the custody of the United States Attorney's Office for the Southern District of New York until further Order of the Court.

For the Court's convenience, a sealing envelope is enclosed. Your Honor is requested to sign two copies of this report, place one copy in the sealed envelope and return both the sealed envelope and the additional copy to my attention.

Respectfully submitted,

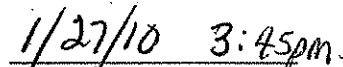
PREET BHARARA
United States Attorney

By:


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RECEIVED AND REVIEWED:


HONORABLE GEORGE B. DANIELS
UNITED STATES DISTRICT JUDGE


Date/Time